

**PATENT APPLICATION
DOCKET NO. 10005030-1**

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) :	Darrel D. Cherry	GROUP ART UNIT:	2143
SERIAL NO.:	09/814,302	EXAMINER:	Asghar H. Bilgrami
FILED:	03/21/2001	CONFIRMATION NO:	4822
SUBJECT:	SYSTEM AND METHOD FOR ELECTRONIC DOCUMENT DISTRIBUTION		

**COMMISSIONER OF PATENTS
ALEXANDRIA, VA 22313-1450**

SIR:

APPELLANTS'/APPLICANTS' OPENING BRIEF ON APPEAL

1. REAL PARTY IN INTEREST.

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holding, LLC.

2. RELATED APPEALS AND INTERFERENCES.

There are no other appeals or interferences known to Appellants, Appellants' legal representative or the Assignee which will affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

3. STATUS OF CLAIMS.

Claims 13-20 are pending but stand rejected. Claims 1-12 have been cancelled.

4. STATUS OF AMENDMENTS.

No amendments have been filed after the final action was entered. All previous amendments have been entered.

5. SUMMARY OF CLAIMED SUBJECT MATTER.

Claim 13 recites a system for distributing information. The system includes a logical printer, a client agent, and a processor operable to execute the logical printer and the client agent. *See, e.g.*, Specification, page 5, lines 24-30, page 6, lines 15-30 and Figures 3 and 4. The logical printer is integrated with the print functionality of a client computer and is configured to launch the client agent and provide the client agent with a document. *See, e.g.*, Specification, page 6, lines 15-30. The client agent is configured to connect to a server remote from the client computer. *See, e.g.*, Specification, page 6, lines 1-8. The client agent is responsible for sending the document to the server and for receiving a user interface from the server. *See, e.g.*, Specification, page 6, lines 1-30. The user interface enables a user to enter data identifying a destination for the document. *See, e.g.*, Specification, page 6, lines 15-30 and page 7, lines 1-16. The client agent is also configured to return data entered by the user through the user interface to the server, so that the server can send the document to a destination identified by the data. *See, e.g.*, Specification, page 6, lines 15-30 and page 7, lines 1-16.

Claim 16 recites a system for distributing information. The system includes a client computer in network communication with a server. *See, e.g.*, Specification, page 5, lines 24-30, page 6, lines 15-30 and Figures 3 and 4. The client computer includes

a logical printer, a client agent, and a processor operable to execute the logical printer and the client agent. *See, e.g.*, Specification, page 5, lines 24-30, page 6, lines 15-30 and Figures 3 and 4. The server includes a server agent and a processor operable to execute the server agent. *See, e.g.*, Specification, page 5, lines 24-30, page 6, lines 15-30 and Figures 3 and 4. The logical printer is integrated with the print functionality of the client computer and is configured to launch the client agent and provide the client agent with a document. *See, e.g.*, Specification, page 6, lines 15-30. The client agent is configured to connect to the server agent and to send the document to the server agent. *See, e.g.*, Specification, page 6, lines 1-30. The client agent is responsible for receiving a user interface from the server. *See, e.g.*, Specification, page 6, lines 15-30 and page 7, lines 1-16. The user interface enables a user to enter data identifying a destination for the document. *See, e.g.*, Specification, page 6, lines 15-30 and page 7, lines 1-16. The client agent is also configured to return data entered by the user through the user interface to the server agent. *See, e.g.*, Specification, page 6, lines 15-30 and page 7, lines 1-16.

Claim 19 recites a method for distributing information. That method includes connecting to a server in response to a user selection of a logical printer to print a document on a client computer. *See, e.g.*, Specification, page 6, lines 15-30 and page 7, lines 1-16 and steps 402-410 of Figure 5. The document is sent to the server. *See, e.g.*, Specification, page 6, lines 15-30 and page 7, lines 1-16 and steps 402-410 of Figure 5. A user interface received from the server is displayed. *See, e.g.*, Specification, page 6, lines 15-30 and page 7, lines 1-16 and step 412-414 of Figure 5. The user interface enables a user to enter data identifying a destination for the document. Specification, page 6, lines 15-30 and page 7, lines 1-16 and step 412-420 of Figure 5. Data entered by the user through the user interface is returned to the server so that the server can send the document to a destination identified by the data. Specification, page 6, lines 15-30 and page 7, lines 1-16 and step 422-426 of Figure 5.

6. GROUNDS FOR REJECTION TO BE REVIEWED.

- A. Claims 13-20 stand rejected under 35 U.S.C 103 as being unpatentable over USPN 6,859,832 issued to Gecht in view of USPN 6,550,024 issued to Pagurek.

7. ARGUMENT.

A. Ground For Rejection A – Claims 13-20 stand rejected under 35 U.S.C 103 as being unpatentable over USPN 6,859,832 issued to Gecht in view of USPN 6,550,024 issued to Paturek.

Claim 13 is directed to a system for distributing information. That system includes a logical printer, a client agent, and a processor operable to execute the logical printer and the client agent. Claim 13 further recites the following:

1. the logical printer is integrated with the print functionality of a client computer and is configured to launch the client agent and provide the client agent with a document; and
2. the client agent is configured to connect to a server remote from the client computer, to send the document to the server, to receive a user interface from the server, the user interface enabling a user to enter data identifying a destination for the document, and to return data entered by the user through the user interface to the server so that the server can send the document to a destination identified by the data.

As discussed in detail below, Gecht and Paturek fail to teach or suggest (a) a logical printer that is configured to launch the client agent and (b) a client agent that is configured to receive a user interface from the server to which a document is sent.

The Examiner admits that Gecht does not teach or suggest a client agent that is configured to:

- (1) connect to a server remote from the client computer,
- (2) send the document to the server,
- (3) to receive a user interface from the server, the user interface enabling a user to enter data identifying a destination for the document, and
- (4) return data entered by the user through the user interface to the server so that the server can send the document to a destination identified by the data.

To address this deficiency, the Examiner, without explanation, cites Pagurek, col. 2, lines 5-41. That passage is taken from Pagurek's background section and discusses a user selecting a file through a user interface supplied at a help desk. Pagurek, col. 2, lines 19-24. A help desk agent then passes the file name to a print server agent that obtains the file from a file server and selects a printer. Pagurek, col. 2, lines 24-27. Pagurek specifically states that the printer server agent selects a printer. As such Pagurek never teaches that a user interface is returned through which a user can select a destination for a document. More particularly, Pagurek's help desk agent does NOT receive a user interface back from the print server agent. Consequently, Pagurek and Gecht fail to teach or suggest a client agent configured to connect to a server remote from the client computer, to send the document to the server, and **to receive a user interface from the server that enables a user to enter data identifying a destination for the document** so that the server can send the document to a destination identified by the data.

For at least this reason alone Claim 13 is patentable over Gecht and Pagurek as are Claims 14 and 15 which depend from Claim 13.

The Examiner asserts that Gecht teaches a client computer that includes a logical printer, a client agent, and a processor. In support of this assertion, the Examiner, without explanation, cites Gecht, col. 2, line 66 through col. 3 line 26. The cited passage is taken from Gecht's summary section and describes a system for providing printing services over a network. Gecht, col. 2, lines 66-67. That system includes a client device that serves as a remote source of a print job. Gecht, col. 3, lines 1-3 and 19-26. Gecht's system also includes a spooling server and a printing polling device. Gecht, col. 3, lines 3-10. Printing services are provided by the spooling server which receives and stores print jobs from the client device via a network connection between the client and the spooling server. Gecht, col. 3, lines 12-16. The printer polling device polls the spooling server via a network connection between the polling device and the spooling server. The polling device polls the spooling server to identify a print job associated with the polling device. Gecht, col. 3, lines 16-18.

Nothing in this passage event hints that Gecht's client device includes a logical printer and a client agent. Further illustrating the Examiner's confusion, Gecht's Fig. 1, reproduced below, illustrates the system referred to in the passage relied upon by the Examiner.

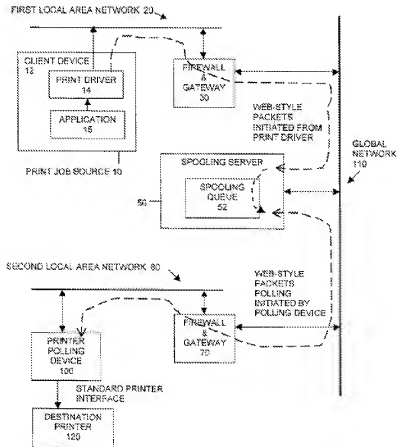


FIG. 1

The Applicant finds it impossible to follow the Examiner's logic as a cursory review of this illustration reveals that Gecht's client device (12) includes an application (15) and a printer driver (14). Perhaps the Examiner is equating the printer driver (14) with the logical printer recited in Claim 1. If so, Examiner this logic is flawed. Claim 1 recites that the logical printer is operable to launch the client agent. Gecht's printer driver (14) is not configure to launch a client agent.

Citing Gecht, col. 9, lines 12-25 and col. 13, lines 6-20, the Examiner asserts that Gecht teaches that "the logical printer is integrated with the print functionality of the client computer and is configured to launch the client agent. . . ." The first of these two

passages mentions that Gecht's printer driver 12 may be capable of encrypting a print job or that the client device may include an agent program for doing so. Gecht, col. 9, lines 12-25. This first passage makes no mention or suggestion that Gecht's printer driver is even capable of launching such an agent program. The second passage cited by the Examiner describes an agent program (200) present on Gecht's client device (12) that allows the client device (12) to poll the spooling server and provide the spooling server with a needed document (13). Again, this second passage makes no mention or suggestion that the agent program (200) is launched by a logical printer.

Consequently, Gecht fails to teach or suggest a system that includes a logical printer and a client agent where the logical printer is configured to launch the client agent. Pagurek is silent on this matter mentioning nothing of a logical printer that is operable to launch a client agent.

For at least this additional reason, Claim 13 is patentable over Gecht and Pagurek as are Claims 14 and 15 which depend from Claim 13.

Claim 16 is directed to a system for distributing information. The system includes a client computer in network communication with a server. The client computer includes a logical printer, a client agent, and a processor operable to execute the logical printer and the client agent. The server includes a server agent and a processor operable to execute the server agent. Claim 16 further recites the following:

1. the logical printer is integrated with the print functionality of the client computer and is configured to launch the client agent and provide the client agent with a document; and
2. the client agent is configured to connect to the server agent, to send the document to the server agent, to receive a user interface from the server, the user interface enabling a user to enter data identifying a destination for the document, and to return data entered by the user through the user interface to the server agent;
3. the server agent is configured to receive the document from the client agent, send the user interface to the client agent, receive the data entered through the

user interface from the client agent, and to send the document to a destination identified by the data.

As was shown with respect to Claim 13, Pagurek and Gecht fail to teach or suggest (a) a logical printer configured to launch the client agent and (b) a client agent configured to receive a user interface from the server. For at least this reason, Claim 16 is patentable over those references as are Claims 17 and 18 which depend from Claim 16.

Claim 19 is directed to a method for distributing information and recites the following.

1. in response to a user selection of a logical printer to print a document on a client computer, connecting to a server;
2. sending the document to the server;
3. displaying a user interface received from the server, the user interface enabling a user to enter data identifying a destination for the document;
4. returning data entered by the user through the user interface to the server so that the server can send the document to a destination identified by the data.

Rejecting Claim 19, the Examiner fails to address the specific limitation set out in that Claim. Consequently, the Examiner fails to assert that the cited references teaches that which is claimed and, thus, fails to establish a prima facie case for obviousness.

In support of the rejection, the Examiner makes the following statement:

Gecht disclosed a system for distributing information, the system comprising a client computer in network communication with a server, wherein the client computer includes a logical printer, a client agent, and a processor operable to execute the logical printer and the client agent and wherein the server includes a server agent and a processor operable to execute the server agent (col.2, lines 66-67 & col.3, lines 1-26), wherein: the logical printer is integrated with the print functionality of the client computer and is configured to launch the client agent and provide the client agent with a document (col.9, lines 12-25 & col.13, lines 6-20). However Gecht did not explicitly disclose the client agent is configured to

connect to the server agent, to send the document to the server agent, to receive a user interface from the server, the user interface enabling a user to enter data identifying a destination for the document, and to return data entered by the user through the user interface to the server agent; the server agent is configured to receive the document from the client agent, send the user interface to the client agent, receive the data entered through the user Interface from the client agent, and to send the document to a destination identified by the data.

In the same field of endeavor Pagurek disclosed the client agent is configured to connect to the server agent, to send the document to the server agent, to receive a user interface from the server. the user interface enabling a user to enter data identifying a destination for the document, and to return data entered by the user through the user interface to the server agent; the server agent is configured to receive the document from the client agent, send the user interface to the client agent, receive the data entered through the user Interface from the client agent, and to send the document to a destination identified by the data. (Col. 2, lines 5-41).

Rejecting Claim 19, the Examiner refers to the language of limitations of Claim 16 which is directed to a system. Claim 19 is directed to a method and uses different language.

The Applicant's can only assume that the Examiner has failed to examine Claim 19 as the Examiner has failed to address its limitations of connecting, sending, displaying, and returning. Consequently, the Examiner has failed to establish a prima facie case for obviousness and the rejection cannot stand. For at least these reasons Claim 19 is patentable as is Claim 20 which depends from Claim 19.

Conclusion

In view of the foregoing remarks, the applicant respectfully submits that Claims 13-20 define allowable subject matter.

Respectfully submitted,
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March 22, 2007

APPENDIX OF CLAIMS INVOLVED IN THE APPEAL

1-12 (cancelled)

13. (previously presented) A system for distributing information, the system comprising a logical printer, a client agent, and a processor operable to execute the logical printer and the client agent, wherein:

the logical printer is integrated with the print functionality of a client computer and is configured to launch the client agent and provide the client agent with a document; and

the client agent is configured to connect to a server remote from the client computer, to send the document to the server, to receive a user interface from the server, the user interface enabling a user to enter data identifying a destination for the document, and to return data entered by the user through the user interface to the server so that the server can send the document to a destination identified by the data.

14. (previously presented) The system of Claim 13, wherein the user interface enables the user to enter data identifying an e-mail address and wherein the client agent is operable to return the data identifying the e-mail address to the server so that the server can send the document via e-mail to the e-mail address.

15. (previously presented) The system of Claim 13, wherein the logical printer includes a driver, a spooler, and a port monitor, wherein:

the driver is operable to translate the document to a rendered format;

the spooler is operable to send the document in the rendered format to the port monitor; and

the port monitor is operable to launch the client agent.

16. (previously presented) A system for distributing information, the system comprising a client computer in network communication with a server, wherein the client computer includes a logical printer, a client agent, and a processor operable to execute the logical printer and the client agent and wherein the server includes a server agent and a processor operable to execute the server agent, wherein:

the logical printer is integrated with the print functionality of the client computer and is configured to launch the client agent and provide the client agent with a document; and

the client agent is configured to connect to the server agent, to send the document to the server agent, to receive a user interface from the server, the user interface enabling a user to enter data identifying a destination for the document, and to return data entered by the user through the user interface to the server agent;

the server agent is configured to receive the document from the client agent, send the user interface to the client agent, receive the data entered through the user interface from the client agent, and to send the document to a destination identified by the data.

17. (previously presented) The system of Claim 16, wherein the user interface enables the user to enter data identifying an e-mail address and wherein the client agent is operable to return the data identifying the e-mail address to the server so that the server can send the document via e-mail to the e-mail address.

18. (previously presented) The system of Claim 16, wherein the logical printer includes a driver, a spooler, and a port monitor, wherein:

the driver is operable to translate the document to a rendered format;

the spooler is operable to send the document in the rendered format to the port monitor; and

the port monitor is operable to launch the client agent.

19. (previously presented) A method for distributing information, comprising:
in response to a user selection of a logical printer to print a document on a client computer, connecting to a server;

sending the document to the server;

displaying a user interface received from the server, the user interface enabling a user to enter data identifying a destination for the document;

returning data entered by the user through the user interface to the server so that the server can send the document to a destination identified by the data.

20. (previously presented) The method of Claim 19, wherein displaying a user interface received from the server comprises displaying a user interface that enables the user to enter data identifying an e-mail address and wherein returning data entered by the user comprises returning the data identifying the e-mail address to the server so that the server can send t the document via e-mail to the e-mail address.

Evidence Appendix

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

Related Proceedings Appendix

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.